

United States ex rel. Schaller et al. v. Prime Diagnostic Imaging Corp. et al., 12-CV-5579 (JFB)
Filed Under Seal

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 15 2017 ★

LONG ISLAND OFFICE

UNITED STATES OF AMERICA, *ex rel.* VICTOR E.
SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW JERSEY *ex rel.* VICTOR
E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW YORK, *ex rel.* VICTOR
E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, NEW YORK CITY *ex rel.*
VICTOR E. SCHALLER, JR. AND JOSEPH FAIELLA-
TOMMASINO, PA, PH.D, and VICTOR E. SCHALLER,
JR. AND JOSEPH FAIELLA-TOMMASINO, PA, PH.D,
individually,

Plaintiffs,

vs.

~~FILED UNDER SEAL~~

THE UNITED STATES'
NOTICE OF PARTIAL
INTERVENTION

Civil Action No.
12-CV-5579

(Bianco, J)

PRIME DIAGNOSTIC IMAGING CORPORATION,
PRIME NEUROLOGICAL IMAGING
CORPORATION, PRIME DIAGNOSTIC SERVICES
INC., PRECISION DIAGNOSTIC IMAGING INC.,
PRECISION DIAGNOSTIC SERVICES INC.,
PRECISION NEUROLOGICAL IMAGING INC.,
NEURORAYS IMAGING P.C., NEURORAYS OF
NEW JERSEY PC, MARK J. LODESPOTO, M.D., P.C.,
PRIMARY DIAGNOSTIC IMAGING CORP I,
PRIMARY NEUROLOGICAL IMAGING INC. I,
GLOBAL IMAGING SOLUTIONS LLC, GLOBAL
MANAGEMENT, LLC, GLOBAL NEUROLOGICAL,
LLC, PRINCIPAL DIAGNOSTICS PROVISION
DIAGNOSTIC IMAGING LLC, STEPHANIE M.
MOSS, MICHAEL V. MOSS, PETER W. HENAGHAN,
MARK J. LODESPOTO, MD, NEAL M. LISAN MD,
DAVE SANDOVAL, STEPHEN SISSELMAN, D.O.,
MICHAEL BENHURI, M.D., LUCKY CARE
MEDICAL, PC, MADISON AVENUE OBGYN,
HASSAN HITO, M.D., SUFFOLK FIRST MEDICAL
PC, B&R REALTY, JAY STAMBLER, M.D.,
LAWRENCE NORTHERN, M.D., MICHAEL
LADINSKY, M.D., STANLEY E. BLYSKAL, M.D.,
ROBERT F. RUGGIERO, M.D., BASHIR AHMED,
M.D., NORTH BABYLON PRACTICE
:MANAGEMENT, E&M PROFESSIONAL SERVICES,
INC., DR. JEFFREY NAKHJAVAN, BARBARA
MANDELL, M.D., LLC, PERSUAD MEDICAL, DR.

United States ex rel. Schaller et al. v. Prime Diagnostic Imaging Corp. et al., 12-CV-5579 (JFB)
Notice of Partial Intervention

ANNA LERNER ANGELES, M.D., PC, LUCELLE M. DELROSARIO, M.D., FINK FAMILY MEDICAL, PC, DR. ANDREW FAGELMAN, M.D., LOUIS D. SCHWARTZ, M.D., SOUTH SHORE MEDICAL CARE, PC, DR. VINCENT LEDDY, CL BILLING, VR LEDDY M.D., PC, RICHARD VALINOTTI, LONG ISLAND FAMILY MEDICAL GROUP, PC, ERIC M. JACKSON, M.D., CECILIA LEDDY MEDICAL BUILDING, P&C MANAGEMENT, PRIMARY MEDICAL CARE LLC, ANNA MARIE MIRSKI, M.D., THOMAS STACK, D.O., HALLAL PROPERTIES, LLC, DR. EDWARD HALLAL, AZIZ CHAUDRY, M.D., MK & JJ REALTY CORP., ADJ HOLDING CORP., CENTRAL ISLAND INTERNAL MEDICINE PLLC, PAUL TCHAO, M.D., DR. PATRICK BURNS, DAVID NEGRON, DPM, ANTHONY J. RIZZO, D.O., DR. MICHAEL BELFIORE, DR. ZEENAT HUSSAIN, DR. BRET OSTRAGRER, SHORE MEDICAL ASSOCIATES, PC, RAY RICK NICK REALTY, LLC, WEISSMAN & KROLL MEDICAL ASSOCIATES, SUFFOLK FIRST MEDICAL PC, SUKHDATA, LLC, MARK J. JAGUST M.D., DABFP SOUTH SHORE MEDICAL ASSOCIATES, PC, 291 EAST SUNRISE HIGHWAY ASSOCIATES, JOSEPH BALLARO M.D., PC, MARK WAXMAN, M.D., NORTHPORT FAMILY MEDICINE, PC, ANDREW HARARAH, D.O., ANTHONY RIZZO, D.O., ARVERNE CARE MANAGEMENT, DR. MARK ALLEN, SOUTH ISLAND MEDICAL, PORT JEFF MEDICAL CARE PC, PERRY A. FRANKEL, M.D., OLGA BELDER, D.O., VIKAS DESAI, D.O., AURENE ALCASABAS, M.D., ALAN W STUDLEY, M.D., ROBERTA A. BIANCO, D.O., DR. THOMAS HODYL, 55 SOUTHERN BLVD, LLC, PRIMARY MEDICAL CARE OF SUFFOLK COUNTY, PC, JORGE J. FIGUEROA, M.D., LEONID BASOVICH, D.O., PC, EDUARDO YAMBO, M.D., J2N REALTY, LLC, JIM BEST D.O., SARITA DORSCHUG, M.D., ANDREA J. FRANK, M.D., JAMES REILLY, D.O., MARK TREE ROAD REALTY, PORT JEFFERSON MEDICAL ASSOCIATES, PC, MID ISLAND INTERNAL MEDICINE, ANDREA NOMBERG M.D., SUGANTH RAVIDRAN, M.D., MARTHA D. PILCHMAN, M.D., 900 STRAIGHT PATH REALTY, LLC, AND DR. JOHN J. MARK AND JUDITH L. MARK, LLP,

Defendants.

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The False Claims Act, 31 U.S.C. §§ 3729-3733 (the “Act”), provides that an individual (a “relator”) may file an action on behalf of the United States of America. The relators in the above-captioned action, Victor E. Schaller, Jr. and Joseph Faiella-Tommasino, PA, Ph.D (“Relators”), filed this case under seal pursuant to the *qui tam* provisions of the Act, 31 U.S.C. § 3730.

Pursuant to the Act, 31 U.S.C. §§ 3730(b)(2) and (4), plaintiff, the United States of America, hereby notifies the Court that it has elected to intervene in that part of the action which alleges violations of the Act by defendants Drs. Anna Lerner Angeles, Marc Allen and Anthony Rizzo.

As to the remaining allegations against other defendants, the United States declines to intervene in this action.

The United States respectfully requests that Relators’ Complaint in the above-captioned action, filed on or about November 13, 2012, this Notice, and the attached proposed order be unsealed. The United States further requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

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A proposed order accompanies this notice.

Respectfully submitted,

Dated: Central Islip, New York
November 15, 2017

BRIDGET M. ROHDE
Acting United States Attorney
Eastern District of New York
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Central Islip, New York 11722

BY: s/
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